

## **e-Bulletin**

**No. 19 of 2016, 8 December 2016**

***The environment's legal team since 1992 - protecting the public interest - evening the odds***

The EDO is an independent community legal centre specialising in public interest environmental law. We provide legal advice and assistance, engage in law reform and participate in legal education activities for the South Australian community.

The EDO is currently working on two major projects - a response to the State Government's review of mining laws ( see details below ) and a review of public participation provisions in South Australia's environmental laws. Please contact Melissa Ballantyne at the office if you have any comments, recommendations (or war stories !) in regards to these projects.

**As the end of the year approaches we ask that you consider making a donation - all amounts over \$2 are tax deductible. Perhaps your donation could be in lieu of a Christmas present to a family member or friend? All donations are vital in helping us to continue providing our services to the SA community. We thank all our 2016 donors and look forward to your continued support in 2017.**

Click here to [join us](#) or [make a tax-deductible donation](#).

We are also on [Facebook](#).

**Please feel free to share this eBulletin with your networks.**

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#### [Message from the EDO Chair](#)

The Environmental Law Update Seminar held on Tuesday 29th November at the City campus of Flinders University provided a range of topics including:

- *Future Directions for Conservation Policy* - Jody Gates (DEWNR)
- *Environment Protection Air Quality Policy 2016* - Steven Mudge (EPA)
- *Waste Reform Bill* - Tiana Nairn / Sally Jackson (EPA)
- *Planning Reform Update* - Felicity Niemann (Wallmans Solicitors) / Dr Iris Iwanicki (Planner)

The annual update is probably one of the most important events that EDO provide to members, and those attending heard about the latest legislative changes from the above speakers on matters that affect the daily lives of people across the state. There are big changes in the state's planning system and other areas to keep up with! The contributions by the speakers outlined some of the wins and the challenges in areas of planning, local heritage, biodiversity, air pollution and waste management. It was good news to hear of the 30% reduction in land fill storage of waste and other reforms to EPA matters as well as the philosophical rethink that is being discussed around the big issue of biodiversity loss from Jody Gates.

A big thank you to those who contributed to the day, most especially Melissa and Gabrielle for setting up as well as catering!

For those who could not make this important seminar, the presentations are available at <http://www.edosa.org.au/presentations>. We have also set a date for next year's seminar - **the 17th August** - an event not to be missed!.

With 2017 rapidly approaching, the management committee will be holding a planning session on the 13th December to discuss how best the EDO can fulfil our objectives in advocating for the environment and servicing public enquiries for legal advice and assistance. Our volunteer lawyers who donate their time and expertise in providing advice are invaluable and I thank them for being willing to support our services in this way. If members have any suggestions that need to be considered at the planning session, please email me at [edosa@edo.org.au](mailto:edosa@edo.org.au) by the 11th December.

2016 has been another challenging year for the EDO and I thank everyone who has supported the EDO by giving us a hand with all the tasks required to keep the organisation running.

**However we are still in need of volunteers in a couple of areas.**

If you have some time to spare on a regular basis to help out with routine office work ( half to one day per week ) we would love to hear from you. Ideally, a retired legal secretary, or departmental clerk who wants to help out would be particularly appreciated. Tasks would include:

1. maintenance of client, member and supporter data bases
2. data entry and file management
3. website maintenance
4. basic office duties eg answering phone calls, recording incoming and outgoing mail
5. researching grant and sponsorship opportunities
6. organising events

We are also on the lookout for volunteers to help with fundraising events in 2017. We have a number of events in mind including a film night, seminars and a dinner.

Please call if you can help – my number is 0438 535 058.

Finally, Christmas drinks this year will be held on Tuesday **13 December** 6-7pm at the Franklin Hotel, 92 Franklin St (opposite the Bus Depot). Hope to see you there!

I wish all our members, clients and supporters a safe and restful festive season.

Dr Iris Iwanicki  
Chairperson-EDO

## [EDO Closure Dates and 2017 Calendar of Events](#)

Our office at the Flinders University City Campus will be closed during the holiday period from **5pm Thursday 22nd of December**. We will reopen on **Tuesday 3 January at 9am**.

Other important dates for 2017:

- **February 4** – Film Night
- **April 13** – Public Participation Seminar
- **July 4** – Dinner
- **17 August** – Environmental Law Update

## [EDO film night on Saturday 4<sup>th</sup> February – booking website now open](#)

The EDO will be hosting a film night fundraiser in February screening **'The Lion'** at the heritage listed Art Deco Capri Theatre on Goodwood Rd.

The movie is based on a true story: "A five-year-old Indian boy gets lost on the streets of Calcutta, thousands of kilometers from home. He survives many challenges before being adopted by a couple in Australia; 25 years later, he sets out to find his lost family". The film stars Nicole Kidman, Dev Patel, Rooney Mara and David Wenham.

Please support the EDO and save the date. Tickets will be \$25 (includes nibbles).

**When:** 6:30pm on Saturday, 4<sup>th</sup> February 2017

**Where:** Capri Theatre, 141 Goodwood Rd, Goodwood

**Bookings:** [http://www.edosa.org.au/film\\_night](http://www.edosa.org.au/film_night)

## **NOTICES AND INQUIRIES**

### **South Australia**

#### [SA Parliament releases fracking report](#)

The Natural Resources Committee's Inquiry into Unconventional Gas (Fracking) in South East of South Australia has recommended that unconventional gas exploration and development should not proceed in the area. The Committee found that such activities would require a social license from the community that currently does not exist; there is widespread and determined

opposition to the fracking industry across the SE community. The Committee did not rule out unconventional gas exploration and development ever occurring, but did say that obtaining social licence is a necessary precondition to such development occurring.

While the Committee did conclude that the risks to groundwater from “properly managed and regulated” fracking in deep shale deposits was not significant, other risks such as longer term well integrity, surface spills and chemical transport were identified as needing attention. There were also concerns raised about visual, odour and noise impacts.

Notably, the Committee also found that there exists a perception in the community of a potential conflict of interest regarding the dual roles of the Department of State Development as both promoter and also regulator of mining and gas extraction activities.

The full report may be found by following the above headline link.

### **[Bill to ban underground coal gasification introduced into Parliament](#)**

A private member’s bill has been introduced into the South Australian Parliament to amend the *Petroleum and Geothermal Energy Act 2000* to ban the process of underground coal gasification. As reported in an earlier edition of the eBulletin, the former Marathon Resources, now trading as Leigh Creek Energy, has announced the commencement of drilling operations at its Leigh Creek site on the way to developing a coal gasification demonstration facility, and ultimately a \$1 billion eastern states gas supply deal. The company is utilising Alinta Energy’s old coalfield, 550 km north of Adelaide, which was to be abandoned after that company closed its coal fired power stations at Port Augusta.

Coal gasification involves the heating of coal to very high temperatures and pressures underground, which converts the coal to gas – mainly methane and hydrogen. The leaking of various pollutants during and after the process is common. The process is now banned in Queensland following serious contamination near Chinchilla, 300km east of Brisbane, with toxic chemicals including hydrogen sulphide and carbon monoxide working their way into the air, soil and water of the area. The Queensland Environment Minister went on to name the episode “...the biggest pollution event probably in Queensland’s history”. Coal gasification has also been banned in Germany, France, Scotland and Wales.

### **[Review of the SA Mining Acts – submissions deadline extended](#)**

The State Government has announced that it will allow a uniform deadline for submissions to its discussion papers as part of its review of the SA Mining Acts.

Discussion Paper No.1 – which concerns the *Mines and Works Inspections Act 1920* and Regulations is already available and may be downloaded by following the above headline link. Two more Discussion Papers will be released shortly.

Submissions are now due by **24 February 2017**.

## [Regular SA Government Consultations](#)

Below are links to a number of SA Government agencies and bodies who undertake regular environmental audits or assessments open for public consultation. Whilst there are too many such consultations for us to list them all fully in the e-Bulletin, the links are included here as they may nevertheless be of interest to readers. The e-Bulletin will publish consultations in these categories where we deem them to be of wide public importance.

## [Current Crown Developments and 'Category 3' Developments before the DAC](#)

## [Current Ministerial Development Plan Amendments](#)

## [Current YourSAy consultations](#)

## [Current EPA license applications](#)

## [Current DSD mining proposals](#)

## [Current DSD petroleum proposals](#)

## **Commonwealth**

## [2017 Review of Climate Change Policies – terms of reference released](#)

The Federal Government's planned 2017 review to assess the effectiveness of its climate change policies has been initiated with the release of the formal terms of reference. The review is aimed to ensure that "...the Government's policies remain effective in achieving Australia's 2030 target and Paris Agreement commitments." The review will look at:

- the opportunities and challenges of reducing emissions on a sector-by-sector basis;
- the impact of policies on jobs, investment, trade competitiveness, households and regional Australia;
- the integration of climate change and energy policy, including the impact of state-based policies on achieving an effective national approach;
- the role and operation of the Emissions Reduction Fund and its safeguard mechanism;
- complementary policies, including the National Energy Productivity Plan;

- the role of research and development and innovation;
- the potential role of credible international units in meeting Australia's emissions targets; and
- a potential long-term emissions reduction goal post-2030.

The review will commence in February 2017 and conclude by the end of 2017. More information may be found by following the above headline link.

### Regular Commonwealth Government Consultations

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### Department of Environment Public Notices and Invitations to Comment

## PREVIOUS NOTICES: REMINDERS

### [SA Arid Lands 10-year Regional NRM Plan 2017-2027 – public consultation](#)

- Submissions are due by **8 December 2016**.

### [Radioactive waste storage and disposal guides – invitation to comment](#)

- Submissions are due by **9 December 2016**.

### [NOPSEMA – Environment Plan decision-making guidelines consultation](#)

- Submissions are due by **14 December 2016**.

### [Draft Aboriginal Heritage Regulations and Guidelines – public consultation](#)

- Submissions are due by **18 December 2016**.

[Senate Inquiry – Carbon Risk Disclosure Inquiry reopens](#)

- Submissions are due by **19 December 2016**.

[Senate Inquiry – Great Australian Bight Environment Protection Bill 2016](#)

- Submissions are due by **13 January 2017**.

[MDBA proposes cuts to River Murray environmental flows](#)

- Submissions are due by **10 February 2017**.

[Review of the SA Mining Acts – Discussion Paper No.1 now released](#)

- Submissions date extended and now due by **24 February 2017**.

[The next generation of Australia's environmental laws – public consultation](#)

- Due date unspecified.